



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
April 12, 2006

REGISTERED MAIL
RB 670 437 620 US

Lake Stevens School District
ATTN: Robb Stanton
12309 22nd Street NE
Lake Stevens, WA 98258

Dear Mr. Stanton:

RE: **Administrative Order No. 3170:** Administrative Order for **placement of fill in 0.015 acre of isolated wetland** as part of development of a mid-high school south of 20th Street SE near 83rd Avenue SE in unincorporated Snohomish County, Washington.
U.S. Army Corps of Engineers Reference #200501253

The request for an administrative order for proposed work in isolated wetlands for construction of a mid-high school south of 20th Street SE near 83rd Avenue SE in unincorporated Snohomish County has been reviewed. The State of Washington has determined that the proposed work, as condition by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law. The Order does not authorize placement of fill in wetlands determined to be regulated by the Army Corps of Engineers under NWP #39 (Corps of Engineers reference #200501253).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Erik Stockdale at (425) 649-7061 or (425) 649-7000. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

GT:ATN:cja

Enclosure

cc: Susan Glenn, U.S. Army Corps of Engineers
Frank Scherf, Snohomish County Planning and Development Services
Amy Myers, The Watershed Company
Erik Stockdale, Ecology
Rebekah Padgett, Ecology
Penny Keys, Ecology
Loree' Randall, Ecology



**IN THE MATTER OF THE REQUEST BY
LAKE STEVENS SCHOOL DISTRICT
FOR AN ADMINISTRATIVE ORDER TO
CONDUCT WORK IN ISOLATED WETLANDS**

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)
) **ORDER NO. 3170**
)

To: Lake Stevens District
ATTN: Robb Stanton
12309 22nd Street NE
Lake Stevens, WA 98258

This is an Administrative Order requiring Lake Stevens School District to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW. This Order does not authorize Lake Stevens School District to place fill in wetlands that are under Army Corps of Engineers jurisdiction (Corps Reference No. 200501253).

On October 31, 2005, Lake Stevens School District submitted a request to Ecology to impact 0.015 acre of isolated wetlands to enable construction of a mid-high school south of 20th Street SE at about 83rd Avenue SE in unincorporated Snohomish County, Washington. The isolated wetland fill is described in the Wetland Study for Proposed Mid-High School and Access Road on 20th Street SE at 83rd Avenue SE, prepared by The Watershed Company, dated October 28, 2005.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that Lake Stevens School District shall comply with the following:

1. Off-site compensatory wetland mitigation for the 0.015 acre isolated wetland fill shall be included in the acquisition of 0.6 credit from the Snohomish Basin Mitigation Bank that is proposed as compensatory mitigation for all wetland impacts on the site.
2. Timing: The acquisition of credits from the Snohomish Basin Mitigation Bank shall occur prior to or concurrently with the site construction for development. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
3. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
4. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through

supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.


In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED April 12, 2006 Bellevue, Washington.

A handwritten signature in black ink, appearing to read 'Geoff Tallent', written over a horizontal line.

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program